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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,272	08/09/2001	James Lawler	PRE6-B68	6574

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EXAMINER

VU, TUAN A

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 08/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/928,272

Applicant(s)

LAWLER, JAMES

Examiner

Tuan A Vu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 8/9/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

DETAILED ACTION

1. This action is responsive to the application filed August 9, 2001.

Claims 1-10 have been submitted for examination.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "said data sets" in line 7 of claim. There is insufficient antecedent basis for this limitation in the claim. This 'data sets' will be interpreted as 'a data set' for enabling the prosecution of the claim's merits.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Fetcke et al., "Mapping the OO-Jacobson Approach into Function Point Analysis", Aug. 1997, *Technology of Object-Oriented Languages and Systems*, TOOLS 23. Proceedings. 6<sup>th</sup> International, pp. 192-202 ( hereinafter Fetcke).

**As per claim 1**, Fetcke discloses a method for automatically generating a Function Point Count for a software application, the method implemented in a programmed computer comprising a processor, at least one data storage system, at least one input device and output device ( see Fig. 1, pg. 193 -Note: use of OO case tool and UML development inherently teaches computer, program storage, and input/output device) , comprising:

generating by means of the programmed computer an object model representing the functionality of the software application (e.g. chp. 1.1, pg. 192; Fig. 1, pg. 193; ch. 2.1-2.4, pg. 195-196), and further comprising a plurality of objects of functionality having boundaries and interrelationships between said objects (e.g. chp. 4.1-2, pg. 197-198);

quantifying said object model, by means of the programmed computer, by assigning a Function Point Count for said object model (e.g. chp. 3.2 pg. 196);

applying the output of said quantifying to at least one of the output devices(e.g. chp. 5, pg. 200 – Note: the display of counting results on a computer output device is inherent to any computer output system).

**As per claim 2**, Fetcke discloses data transaction characterization (e.g. Fig. 8, pg. 197) and data set characterization (e.g. Files, *step 2b*, *Aggregation*, *Additional candidates* - pg. 198-199; *step 3b*, pg. 200; Fig. 9, pg. 200).

**As per claim 3**, Fetcke discloses application boundary representing the boundaries of functionality of the software application (e.g. Fig. 7, 8 – pg. 197); characterization as internal logical files (Fig. 6, pg. 196 – Note: the characterization based on IFPUG standard using ILF and EIF is implicitly disclosed – see bottom R para., pg. 193, to top L para. pg. 194) or external interface files (Fig 6, pg. 196).

**As per claim 4**, Fetcke discloses external input, external output, and external inquiry (e.g. *ch. 4.3 step 3*, para *Step 3a* - pg. 199-200).

**As per claim 5**, Fetcke discloses a method of providing an automated system for software application quantification, the method being implemented in a programmed computer comprising a processor, at least one data storage system, at least one input device and output device ( see Fig. 1, pg. 193), the method comprising:

generating an object model (e.g. Fig. 3-5, pg. 195), said model comprising an application boundary defining the boundary of the software application (e.g. Fig. 7, 8 – pg. 197);

storing said object model in at least one of the data storage systems (Note: use of OO case tool and UML development inherently teaches computer, program storage, and input/output device);

associating said object model with the software application (chp. 1.1, pg. 192; Fig. 1, pg. 193; ch. 2.1-2.4, pg. 195-196);

first detecting data transactions that cross said boundary and characterizing of said boundary-crossing data transactions (e.g. *ch. 4.1, 4.2*; Step 2a, *communicate with users and external applications* - Proposed mapping rules; Fig. 8 – pg. 197-198 );

second detecting in response to said first detecting, of data sets influenced by said boundary-crossing transactions; and characterizing said influenced data sets (e.g. *ch. 4.3*, Step 3a; *ch. 4.4*- pg. 199-200; Fig. 6 pg. 196; Fig. 9,pg. 200 – Note: The use of *Counting Practices Manual* by IFPUG associating *Internal Files* and *External Files* to types such as *DET* , *RET*, or *FTR* and *Inputs*, *Outputs*, and *Inquiries* (i.e.Transaction types) reads on characterization from 2<sup>nd</sup> detecting based on 1<sup>st</sup> detecting and characterizing);

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quantifying the size of the software application responsive to said first and second detecting and characterizing; and applying the output of said quantifying to at least one of the output devices (e.g. chp. 5, pg. 200).

**As per claim 6**, this claim corresponds to claim 4, hence is rejected using the rejection as set forth therein.

**As per claim 7**, Fetcke discloses characterizing a data set as EIF if a detected influencing data transaction crosses software application boundary (e.g. *External interface files* – Fig. 6, pg. 196 – Note: IFPUG standard in terms of Counting Practices Manual – see Fetcke: L top para, pg. 200- implicitly teaches EIF as data files not defined as maintained by the application, or user identifiable group of data, or as within the application boundary, i.e. associated with a transaction that cross boundary of the application object).

**As per claim 8**, Fetcke discloses a method for automating the process of quantifying a software application, the method being implemented the same manner as recited in claim 5, and comprising the same steps as recited in claim 5; hence is rejected using the corresponding rejections as set forth therein.

**As per claims 9 and 10**, these claims correspond to claims 7 and 6, respectively; hence are rejected using the corresponding rejections as set forth therein, respectively.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Uemura et al., "Function Point Measurement Tool for UML Design Specification", Software Metrics Symposium, 1999, Proceedings. Sixth International, Nov. 1999, pp. 62-69.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (703)305-7207. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703)305-9662.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9306 ( for formal communications intended for entry)

**or:** (703) 746-8734 ( for informal or draft communications, please label

“PROPOSED” or “DRAFT” – please consult Examiner before use)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA. , 22202. 4<sup>th</sup> Floor( Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

VAT  
August 8, 2004

*Kakali Chaki*  
**KAKALI CHAKI**  
**SUPERVISORY PATENT EXAMINER**  
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